

IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. 2:21-mc-0286 WBS DB

Plaintiff,

ORDER

v.

JESSE T.S. WELLS,

Defendant and Debtor.

CPC LOGISTICS, INC.,
(and its Successors and Assignees)

Garnishee.

On December 2, 2021, the United States filed an Application for Writ of Continuing Garnishment against twenty-five percent (25%) of Jesse T.S. Wells's ("Debtor") non-exempt disposable earnings, and it requested to receive the statutorily authorized litigation surcharge. ECF 1. The Clerk of the Court issued the Writ and Clerk's Notice to Debtor. ECF 4. The United States served the Writ and related documents on CPC Logistics, Inc. ("Garnishee") and Debtor. ECF 2 and 3.

On December 13, 2021, Garnishee served its Acknowledgment of Service and Answer of Garnishee on Debtor and the United States ("Answer"). ECF 5. In its Answer, Garnishee stated that

1 Jesse T.S. Wells is an employee or independent contractor of Garnishee and pays earnings to Debtor.
2 Id. Debtor did not file a claim of exemption to the proposed garnishment or request a hearing, did not
3 object to Garnishee's Answer, and did not otherwise object to the United States' garnishment action.
4 *See Docket.*

5 Pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 302, on January 18, 2022, the Magistrate
6 Judge issued findings and recommendations that recommended that the United States' request for final
7 order of continuing garnishment be granted and ordered that any objections were due within 30 days
8 after the filing of the findings and recommendations. ECF 7. The United States served the findings and
9 recommendations on Debtor on January 18, 2022. ECF 8. Debtor did not object and the time to do so
10 has passed. *See Docket.*

11 In accordance with 28 U.S.C. § 636(b)(1)(C), the Court has conducted a *de novo* review of the
12 case. Having carefully reviewed the file, the Court concludes that the Magistrate Judge's findings and
13 recommendations are supported by the record and by proper analysis.

14 Accordingly:

15 1. The United States' Request for Findings and Recommendations for Final Order of
16 Continuing Garnishment is GRANTED;

17 2. CPC Logistics, Inc. is directed to pay the Clerk of the United States District Court
18 twenty-five percent (25%) of Jesse T.S. Wells's ongoing and non-exempt disposable earnings,
19 including, but not limited to wages, earnings, commissions, and bonuses;

20 3. CPC Logistics, Inc. is directed to pay the Clerk of the United States District Court the
21 amount of non-exempt disposable earnings, including, but not limited to wages, earnings, commissions,
22 and bonuses, already withheld as a result of the writ, within fifteen (15) days of the filing of the Final
23 Order. Payment shall be made in the form of a cashier's check, money order, or company draft, made
24 payable to the "Clerk, District Court of Guam" and delivered to:

25 U.S. District Court of Guam
26 520 W. Soledad Ave., FL 4
27 Hagåtña, Guam 96910

28 The criminal docket number (CR-01-00009-001) shall be stated on the payment instrument;

1 4. The United States is entitled to recover a \$5,339.20 litigation surcharge after satisfaction
2 of the judgment amount owed by Jesse T.S. Wells. Garnishee shall pay the litigation surcharge to the
3 United States Department of Justice via a single payment within twenty (20) days of the garnished
4 wages accumulating to the \$5,339.20 surcharge amount, and send the payment in the form of a cashier's
5 check, money order, or company draft made payable to "United States Department of Justice", and
6 delivered to:

7 U.S. Bank Government Lockbox
8 Attn: DOJ Production Manager/Box 790363
9 1005 Convention Plaza, SL-MO-C2G1
10 St. Louis, MO 63101

11 The payment instrument shall state "CDCS Number 2001B11682" on the face of the payment
12 instrument;

13 5. The Court shall retain jurisdiction to resolve matters through ancillary proceedings in the
14 case, if necessary; and

15 6. The garnishment shall terminate when (1) the United States seeks to terminate the writ or
16 IT IS SO ORDERED.

17 Dated: February 28, 2022



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE